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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,527	05/08/2001	Stephane Coulombe	944-001.045	2586
4955	7590	09/09/2004	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			HU, JINSONG	
			ART UNIT	PAPER NUMBER
			2154	
DATE MAILED: 09/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/851,527	COULOMBE ET AL. <i>PL</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jinsong Hu	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 July 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/10/01, 12/16/02, 7/12/04</u> <i>PL</i> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. Claims 1-29 are presented for examination.
2. Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - A. The claim language in the following claims is not clearly understood.
    - i. As per claims 1-29, the use of word "characterized" is inappropriate since 35 USC § 112, second paragraph, requires the claim to particularly point out and distinctly claim the invention, not merely its characteristics. Furthermore, if this word is eliminated, then the remaining format of claim should be modified in order to reflect this correction. Correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Perlman et al. (US 6,141,693).
5. Perlman is a prior art cited by applicant on form 1449, filed on 12/16/02.
6. As per claim 1, Perlman teaches the invention as claimed including a network element [5, Fig. 4] having a transcoder [66, Fig. 4] for transcoding content of a content creator characterized in that the transcoder has a transcoder operation module for transcoding the content based on permissible transcoding operations authorized by the content creator [col. 6, lines 8-19 & 30-61].
7. As per claim 2, Perlman teaches the network element is a creator terminal, a content provider, a proxy/gateway or a client terminal [col. 6, lines 3-8; col. 8, lines 48 – col. 9, line 2].
8. As per claim 3, Perlman teaches that the permissible transcoding operations include any transformation, alteration or manipulation of the content permitted by the content creator [col. 6, lines 30-42].
9. As per claim 4, Perlman teaches that the permissible transcoding operations include a resolution reduction module for reducing the resolution of the content [col. 6, line 33].

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10. As per claims 5 and 6, Perlman teaches that the content is reduced by either a maximum decimation factor or ratio or a minimum resolution in pixels [col. 6, lines 33-34].

11. As per claim 7, Perlman teaches that the permissible transcoding operations include a color and bits per pixel modification for specifying if an image can be converted to gray scale or not, and minimum bits per pixel or number of colors or levels that can be used [col. 6, lines 33-37; col. 8, lines 55-64].

12. As per claim 8, Perlman teaches that the permissible transcoding operations include cropping for specifying a region of an original picture that must be preserved [col. 8, lines 58-64; col. 9, lines 9-54].

13. As per claim 9, Perlman teaches that the permissible transcoding operations include a quality reduction for allowing the content to be further modified by adding some distortions to an image [col. 7, line 44 – col. 8, line 25].

14. As per claim 10, Perlman teaches that a sequence of permissible image transcoding operations for image content includes cropping, an aspect ratio modification, a color and bits per pixel modification and a resolution reduction [col. 6, lines 8-19 & 30-61; col. 8, lines 58-64; col. 9, lines 9-54].

15. As per claim 11, Perlman teaches that the content includes images, graphics, video or audio [col. 3, lines 42-51].

16. As per claim 12, Perlman teaches that the transcoder responds to a signal containing the content and information about the permissible transcoding operations that may be applied on the content permissible by the content creator [the transcoding procedure is performed by transcoder based on file type or client's hardware/software capability without changing the content of the information, i.e., the transcoder responds to a data signal and applying transcoding which is permissible by the content creator col. 6, lines 8-26].

17. As per claim 13, Perlman teaches that the transcoder applies the permissible transcoding operations on the content and provides a transcoded content signal containing information about a transcoded content [col. 6, lines 8-19 & 30-61; col. 8, lines 7-12].

18. As per claims 14-24, since they are method claims of claims 1-11, they are rejected for the same basis as claims 1-11 above.

19. As per claims 25-29, since they are system claims of claims 1-3 and 8, they are rejected for the same basis as claims 1-3 and 8 above.

***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Rajasekharan et al. (US 6,480,961) discloses a secure audio/visual content transmitting system;

Yueng et al. (US 6,480,902) discloses a multimedia communicating system; and

Katz et al. (US 6,560,651) discloses a digital information delivering system.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306-5932. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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September 2, 2004



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